

ORIGINAL

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

TO 20072

STIPULATED AGREEMENT #1008

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission, hereinafter referred to as the "Commission", The Burlington Northern and Santa Fe Railway Company, hereinafter referred to as the "Company", Gilmer Road District in Adams County, hereinafter referred to as the "Road District", and the State of Illinois, Department of Transportation, hereinafter referred to as the "Department".

WITNESSETH:

WHEREAS, it has come to the attention of the Commission that inquiry should be made into the matter of improving public safety at the crossing of the Company's track with a public highway known as TR-262 located near Paloma, Adams County Illinois, designated as crossing DOT 072 804L, milepost 248.70-Q; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossing by a staff member of the Commission's Transportation Division, Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and sight distances and all other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to the agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and Orders and procedures in general.

Section 2           The parties are of the opinion that the proper improvements in the interest of public safety at the aforesaid crossing should be:

- a) the Company should remove the existing warning devices and install new automatic flashing light signals and short arm gates controlled by constant warning time circuitry;
- b) the Company should install a new concrete crossing surface, so that the crossing surface complies with requirements of 92 Illinois Administrative Code Part 1535;

Section 3           The Company has prepared a preliminary estimate of cost which is attached as Exhibit B, to accomplish the proposed improvements which it may be required to perform; The Company shall upon Order, according to the requirements contained therein, prepare detailed drawings, detailed circuit plans, estimates of cost, and any required specifications for the proposed improvements for the approval of the Commission and Department.

Section 4           The Company shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the submission of plans should be one hundred twenty (120) days, for the submission of progress reports should be six (6) months and for the completion of the proposed improvements should be twelve (12) months, from the date of Commission Order subsequent to this agreement.

Section 5           The parties hereto agree that an equitable division of cost for the proposed improvements should be:

- a) the cost to remove the existing warning devices and install automatic flashing light signals and gates estimated at \$135,934, should be allocated 80% to the Grade Crossing Protection Fund (Fund), not to exceed \$108,747, with the Company bearing any remaining cost after payment from the Fund, as well as all future operation and maintenance cost thereof;
- b) the cost to install the new concrete crossing surface shall be 100% borne the Company as well as all future maintenance cost thereof;

Section 6           Special Provisions:           The Company shall at six (6) month intervals from the date of Commission Order issued subsequent to this Agreement until the project is completed, file a written report with the Director of Processing and Information, Transportation Division of the Commission, stating the status of expenditures of the project and the percentage of completion of the project. If the project is behind schedule the report must include a brief explanation of the reason(s) for the delay.

All bills for expenditures authorized to be reimbursed from the Grade Crossing Protection Fund shall be submitted to Mr. Henry Cronister, Bureau of Local Roads and Streets, Illinois Department of Transportation at 2300 South Dirksen Parkway, Room 205, Springfield, Illinois, 62764. The Department shall send a copy of each bill received to the Director of Processing and Information, Transportation Division of the Commission. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted to the Department and Commission no later than twenty-four (24) months from the date of Commission Order subsequent to this agreement. Authorization for reimbursement from the Grade Crossing Protection Fund shall expire twelve (12) months after the completion date specified in the Order. The Department shall, at the end of the 24<sup>th</sup> month from the Commission's Order date, de-obligate all residual funds accountable for installation costs for this project.


The Company shall at six (6) month intervals from the date of Commission's Order subsequent to this Agreement, submit written reports to the Director of Processing and Information, Transportation Division of the Commission, stating the progress it has made toward completion of the work herein required. Each progress report shall include the Commission Order number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number and facsimile number of the Company employee responsible for management of the project.

In Witness Whereof, the parties have caused this agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this 6th day of June, 2002.

  
\_\_\_\_\_  
Michael E. Stead  
Railroad Safety Program Administrator

Attest:

  
\_\_\_\_\_  
Henry Humphries,  
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 1008 concerning improvements at the TR-262 grade crossing of The Burlington Northern and Santa Fe Railroad Company track, near Paloma, Adams County, Illinois, designated as crossing AAR/DOT # 072 804L, Milepost 248.70-Q.

Executed by the Company this 20<sup>TH</sup> day of June 2002.

THE BURLINGTON NORTHERN AND  
SANTA FE RAILWAY COMPANY

By:

Cheryl Jenkins

Attest:

William Delozano

Illinois Commerce Commission Stipulated Agreement No. 1008 concerning improvements at the TR-262 grade crossing of The Burlington Northern and Santa Fe Railroad Company track, near Paloma, Adams County, Illinois, designated as crossing AAR/DOT # 072 804L, Milepost 248.70-Q.

Executed by the Department this 28<sup>th</sup> day of June 2002.

STATE OF ILLINOIS  
DEPARTMENT OF TRANSPORTATION

By: James G. Carter  
Director of Highways

Illinois Commerce Commission Stipulated Agreement No. 1008 concerning improvements at the TR-262 grade crossing of The Burlington Northern and Santa Fe Railroad Company track, near Paloma, Adams County, Illinois, designated as crossing AAR/DOT # 072 804L, Milepost 248.70-Q.

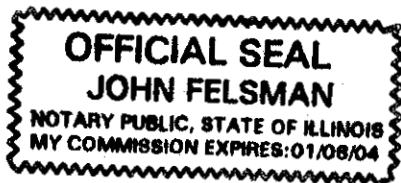
Executed by the Road District this 3<sup>rd</sup> day of July 2002.

GILMER ROAD DISTRICT,  
ADAMS COUNTY

By: Aun Johnston

Attest:

John Felsman  
Notary



STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT SURVEY FORM

RR/Line BNSF Milepost 248.70-Q Inventory # 072 804L  
 City (N) Paloma Street TR262 County Adams  
 Jurisdiction local Urban      Rural X Commercial      Residential       
 Street Surface Oil/Chip Width 21' Condition Fair  
 Angle 70° Tracks Tangent Yes Degree of Curve - Superelevation -  
 Depth of Cut                                  Height of Fill                         

Crossing Surface

Track Centers	Elevation	Track	Type	Width	Condition
		<u>Main</u>	<u>FDT</u>	<u>25'</u>	<u>Fair 2" low timbers</u>
					<u>Canted in to rail</u>
					<u>Needs raised.</u>

Intersecting Roads 100' 72' US Rt 24 200' None  
 Traffic Control Devices Present Stop signs at US 24  
 ADT 350 Speed 55mph (unposted) Statewide Yes  
 Schoolbuses Poss. Hazardous Materials Poss. Other       
 Rail Traffic: Ft. 14 @ 60 mph Pass. 2 @ 79mph Switch       
 Simultaneous Movements No Daylight and Dark Yes  
 Present Protection AFLS

Advance Warning Signs Yes Pavement Marking No

## Visibility Study

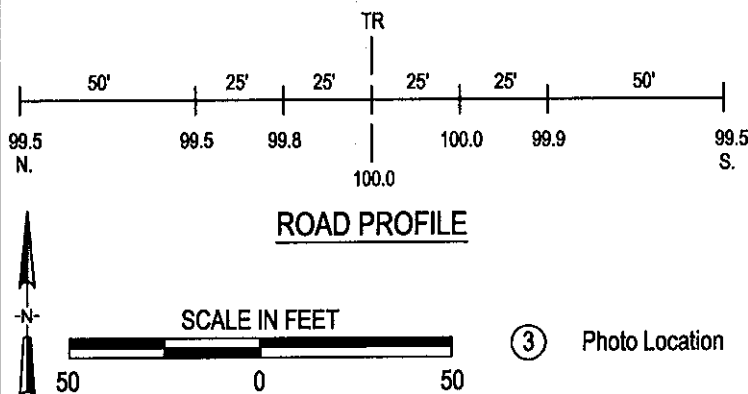
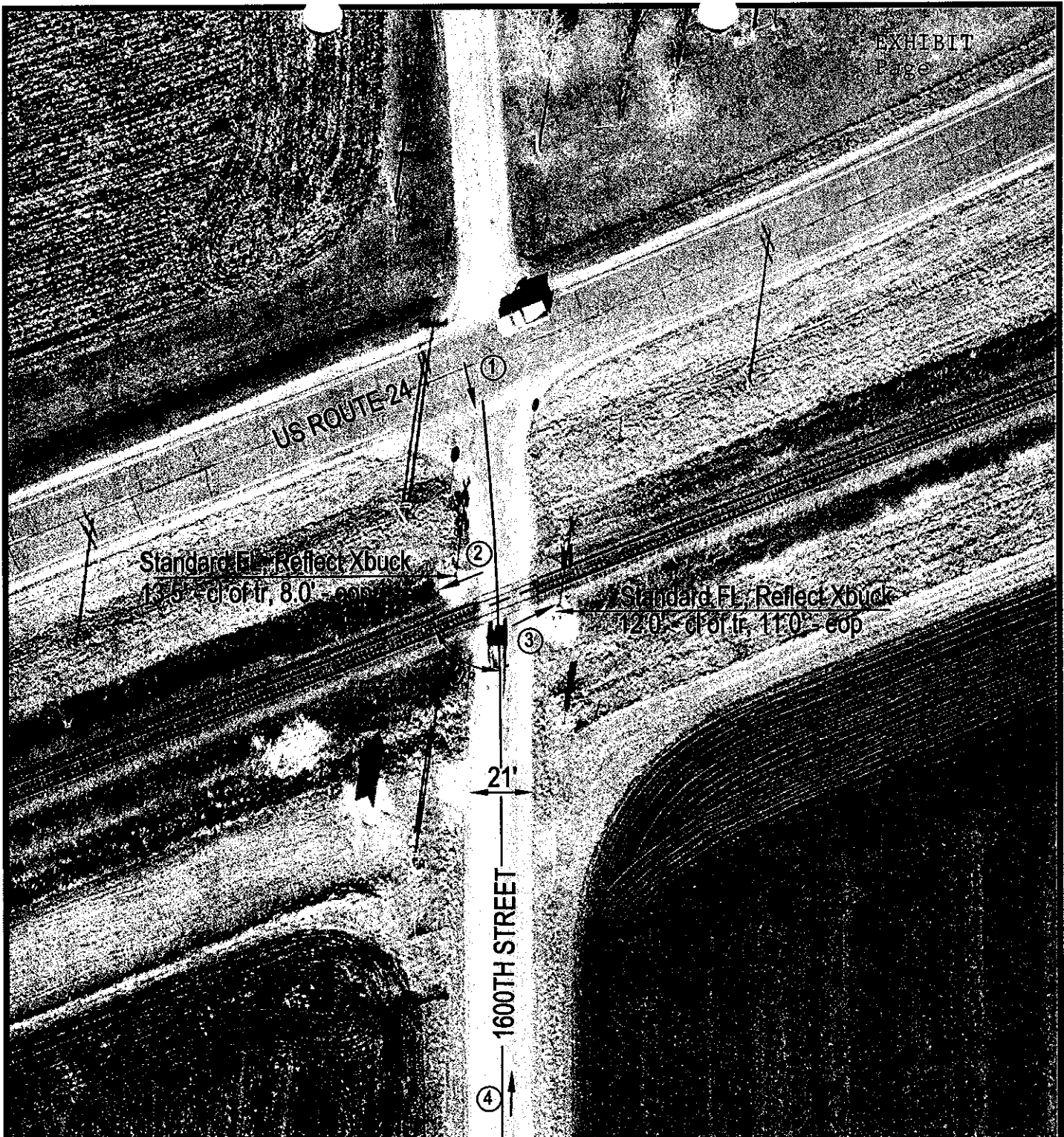
Quad	Clearing Visibility	Obstruction	Stopping Visibility	Obstruction
NE	N/A		N/A	
NW	N/A		N/A	
SE	N/A		N/A	
SW	N/A		N/A	

### Approach Grades

North	Meets	'	92	%	Ill.	'	Adm.	%	Code	'	1535	%
South	"	'	"	%	"	'	"	%	"	'	"	%

Comments: \_\_\_\_\_

[illegible]



Crossing #: 072804L

Location: Adams Co., City of Paloma (N)

Lat/Long: 40°01'14" / 91°12'17"

Railroad: BNSF

Street: 1600th Street

Railroad Milepost: 248.70

Crossing Protection: Train Activated Devices

\*\*\*\*\* MAINTAIN PROPRIETARY CONFIDENTIALITY \*\*\*\*\*

THE B. N. S. F. RAILWAY COMPANY  
FHPM ESTIMATE FOR  
STATE OF ILLINOIS

LOCATION:- PALOMA DETAILS OF ESTIMATE PLAN ITEM: PSIO72804L VERSION: 1

## PURPOSE, JUSTIFICATION AND DESCRIPTION

SIGNAL COST TO INSTALL NEW GATES, FLASHERS & BUNGALOW W/ CONSTANT WARNING CIRCUITRY AT  
(TOWNSHIP RD (TR 262) DOT 072 804 L) NEAR PALOMA, IL L/S 0011 MP 248.51 ON THE CHICAGO  
DIV.....BROOKFIELD SUBDIV.

THE MATERIAL LIST BELOW REFLECTS TYPICAL REPRESENTATIVE PACKAGES USED FOR ESTIMATING PURPOSE  
ONLY.

THEY CAN BE EXPECTED TO CHANGE AFTER THE ENGINEERING PROCESS, DETAILED AND ACCURATE  
MATERIAL LISTS WILL BE FURNISHED WHEN ENGINEERING IS COMPLETED.

CONTINUING CONTRACTS HAVE BEEN ESTABLISHED FOR PORTIONS OF SIGNAL WORK ON THE BNSF  
RAILROAD.

THIS ESTIMATE GOOD FOR 90 DAYS. THEREAFTER THE ESTIMATE IS SUBJECT TO CHANGE IN COST FOR  
MATERIAL, LABOR, AND OVERHEADS.

\*\*\*\*\* SIGNAL WORK ONLY \*\*\*\*\*

THE STATE OF ILLINOIS IS FUNDING APPROXIMATELY 80% WITH BNSF FUNDING APPROXIMATELY 20%  
OF THIS PROJECT.

NOTE: THIS ESTIMATE DOES NOT CONTAIN THE COST FOR AN RTU-6 DUE TO THE STATE OF ILLINOIS  
RTU UPGRADE PROJECT.

MAINTAIN PROPRIETARY CONFIDENTIALITY

DESCRIPTION	QUANTITY	U/M	COST	TOTAL \$
*****				
LABOR				
*****				
SIGNAL FIELD LABOR	784.00	MH	18,708	
SIGNAL SHOP LABOR	64.00	MH	1,341	
PAYROLL ASSOCIATED COSTS			11,114	
EQUIPMENT EXPENSES			3,588	
DA LABOR OVERHEADS			12,562	
INSURANCE EXPENSES			3,161	
TOTAL LABOR COST			50,474	50,474
*****				
MATERIAL				
*****				
BATTERY	1.00	LS N	5,060	
BUNGALOW, 6 X 6	1.00	EA N	5,421	
CABLE	1.00	LS N	1,583	
CELLULAR ANTENNA	1.00	EA N	50	
CHARGERS	1.00	LS N	904	
GATE KEEPER	2.00	EA N	3,512	
GATE MECH. MODEL 95 COMPLETE	2.00	EA N	10,112	
HXP3R2 UNI SYSTEM	1.00	EA N	16,202	
MISC. BUNGALOW MATERIAL	1.00	LS N	6,397	
MISC. FIELD MATERIAL	1.00	LS N	3,266	
MISC. MATERIAL	1.00	EA N	2,500	
ONE-WAY SIDELIGHT ASSY	2.00	EA N	1,440	
VIGILANT RECORDER	1.00	EA N	1,684	
USE TAX			3,717	
OFFLINE TRANSPORTATION			727	
TOTAL MATERIAL COST			62,575	62,575
*****				
OTHER				
*****				
CONTRACT ENGR.	1.00	EA N	6,000	
MACHINE RENTAL	1.00	LS N	2,912	
SURFACE ROCK	40.00	CY N	1,000	
TOTAL OTHER ITEMS COST			9,912	9,912
PROJECT SUBTOTAL				122,961

CONTINGENCIES  
BILL PREPARATION FEE  
  
GROSS PROJECT COST  
LESS COST PAID BY BNSF  
  
TOTAL BILLABLE COST

12,296  
677  
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135,934  
27,189  
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108,745  
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